



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

SHORT SUBDIVISION – REVIEW CHECK LIST AND DECISION

Application Number: 2306654
Applicant Name: Randy Spaan
Address of Proposal: 3114 E. Pine Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel of into two parcels of land in an Environmentally Critical Area (ECA). Proposed parcel sizes are: X) 4,806 sq. ft. and Y) 8,444 sq. ft. Existing structure to remain on proposed Parcel Y. SEPA review under related project #2306956.

The following approval is required:

Short Subdivision - to subdivide one existing parcel into two parcels.
(Chapter 23.24, Seattle Municipal Code).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site and Vicinity Description

The project site is located along northwest corner of the intersection of E. Pine Street and 32nd Avenue in the Madrona neighborhood. At this location, both streets are paved with curbs, gutters and sidewalks. The site is zoned Single Family 5000 (SF5000) and currently contains a religious facility which was previously owned by The Salvation Army. The site also has approximately 16 surface parking spaces located on the north and west side of the building. Located on site are areas designated as Steep Slope and Landslide Prone, which are mapped as City of Seattle Environmental Critical Areas (ECA).

The north end of the site is mapped with 40% Steep Slope as well as Landslide Prone. The western portion of the site also contains area mapped as Landslide Prone. However, the applicant applied for and received a Limited ECA Exemption under project #2305853. The submitted information was sufficient to demonstrate that the Steep Slopes are the result of previous legal grading activities. The 2003 geotechnical report from Dennis M. Bruce, P.E., demonstrates that there will be no adverse impact from an approved waiver of the ECA Steep Slope Development Standards. However, further subsurface exploration may be necessary to address property line excavation and foundation support issues.

Zoning in the vicinity is designated as Single Family 5000 (SF 5000). Development in the vicinity is mixed between single family and multi-family structures, but is largely characterized by single family structures.

Proposal

The proposal is to subdivide one parcel of land into two (2) parcels. Proposed parcel areas are indicated in the summary above. Proposed Parcel X will take access off of 32nd Avenue. The existing structure will remain at the development site on proposed Parcel Y, and will obtain access off of the existing curbcuts located on 32nd Avenue and East Pine Street.

The land use code currently requires lots in a Single Family 5000 zone to be at least 5,000 sq. ft. in size. However, the code does provide an exception to this called the 75/80 rule, located in SMC 23.44.010 B. It states that newly created lots shall be at least 75% of the minimum lot size required by the zone (=3,750 sq. ft.) and at least 80% of the average lot size located on the block face. The applicant has provided these calculations and demonstrated that the new lots will meet this exception.

Public Comment:

Date of Notice of Application:	October 30, 2003
Date End of Comment Period:	November 12, 2003
# Comment Letters	3

Issues:

- Requested an extension to the comment period.
- Concerned that the short plat will remove the existing surface parking for the church, thus creating an overflow of parking onto the surrounding streets.
- The Madrona Community Council met with the applicant to discuss the proposal for the site. Overall, the Council was supportive of the proposal.

PLAN REVIEW – SHORT SUBDIVISION

SMC [23.24.020](#) Content of application.

Applications for approval of a short subdivision shall include the following:

- A. ☒ Plat of the proposed short subdivision containing standard survey data;

- B. ☒ Vicinity map on which shall be indicated the property to be subdivided;
- C. ☒ Plot plan, as appropriate, showing the location and dimensions of existing buildings in relation to the proposed short subdivision;
- D. ☒ Legal descriptions of the property to be subdivided and of all proposed lots or divisions;
- E. ☒ Name and address of owner(s) of the tract;
- F. ☒ Location of existing roadways, sanitary sewer, storm drain and water main, if any, together with proposed street improvements; and
- G. ☒ Specific location and description of all trees at least six (6) inches in diameter measured four and one-half (4 ½) feet above the ground, with species indicated.

SMC 23.24.030 Content of short subdivision.

- A. Every short plat of a short subdivision filed for record must contain:
 - 1. ☒ A certificate giving a full correct description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with the free consent and in accordance with the desires of the owner or owners.
 - 2. ☐ If the short plat includes a dedication, the certificate or a separate written instrument of dedication shall contain the dedication of all streets and other areas to the public, an individual or individuals, religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of the road.
 - 3. ☐ Roads not dedicated to the public must be clearly marked on the face of the short plat.
 - 4. ☐ All short plats containing a proposed dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the short plat is in the name of the owner signing the certificate or instrument of dedication.
- B. ☐ The certificate and instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the land subdivided and shall be recorded as part of the final

plat. Any dedication, donation, or grant as shown on the face of the short plat shall be considered to all intents and purposes as a quitclaim deed to the donee or donees, grantee or grantees for his, her or their use for the purpose intended by the donors or grantors.

SMC [23.24.035](#) Access.

- A. ☒ Every short plat shall include adequate provision for dedication of drainage ways, streets, alleys, easements, slope rights, parks and other public open spaces for general purposes as may be required to protect the public health, safety and welfare.
- B. ☐ Protective improvements and easements to maintain the improvements shall be dedicated at the discretion of the City.
- C. ☒ Convenient pedestrian and vehicular access to every lot by way of a dedicated street or permanent appurtenant easement shall be required.
- D. ☐ Access to new lots shall be from a dedicated street, unless the Director determines that the following conditions exist, and permits access by a permanent private easement:
 - 1. ☐ Access by easement would not compromise the goals of the Land Use Code to provide for adequate light, air and usable open space between structures; and
 - 2. ☐ The dedication and improvement of a street is not necessary or desirable to facilitate adequate water supply for domestic water purposes or for fire protection, or to facilitate adequate storm drainage; and
 - 3. ☐ The dedication and improvement of a street is not necessary or desirable in order to provide on-street parking for overflow conditions; and
 - 4. ☐ No potential safety hazards would result from multiple access points between existing and future developments onto a roadway without curbs and with limited sight lines; and
 - 5. ☐ There is identifiable access for the public and for emergency vehicles; and
 - 6. ☐ There is no potential for extending the street system.

- E. ☒ Dedicated streets and alleys shall meet the requirements of Chapter [23.53](#) and the Street Improvement Manual. Easements shall meet the requirements of Section [23.53.025](#).

CRITERIA REVIEW – SHORT SUBDIVISION

- A. The Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition or deny a short plat.
1. Conformance to the applicable Land Use Code provisions (including street improvement requirements);
 - ☐ Zoning review approved.
 - ☒ Development standards of underlying zone (including Overlays).
 - ☒ Chapter [23.53](#) Streets and Alleys
 - ☒ Chapter [23.54](#) Parking and Access
 - ☒ Zoning review approved with conditions or corrections.
 2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section [23.53.005](#);
 - ☒ Fire Marshal's Office approved.
 - ☐ Fire Marshal's Office approved with conditions.
 - ☒ Seattle City Light review approved.
 - ☐ Seattle City Light requires easement.
 3. Adequacy of drainage, water supply, and sanitary sewage disposal;
 - ☒ Drainage review approved.
 - ☐ Drainage review approved with conditions.
 - ☒ Seattle Public Utilities Water Availability Certificate (WAC) approved.
 - ☐ Seattle Public Utilities requirements for WAC approval.
 4. Whether the public use and interests are served by permitting the proposed division of land;
 - ☐ Department of Parks and Recreation approved.
 - ☐ Department of Parks and Recreation approved with conditions.

- ☐ Department of Neighborhoods (landmark sites or Districts) approved.
 - ☐ Department of Neighborhoods (landmark sites or Districts) approved with conditions.
 - ☒ Building Plans Examiner review and approval.
 - ☐ Building Plans Examiner approval with conditions.
 - ☒ The proposal meets all applicable criteria for approval of a short plat as discussed in the analysis and decision, therefore meets this criterion.
5. Conformance to the applicable provisions of SMC Section [25.09.240](#) , short subdivision and subdivisions in environmentally critical areas;
- ☐ Site not located in a riparian corridor buffer, wetland, wetland buffer or steep slope.
 - ☒ Site exempt from ECA Ordinance (SMC [25.09.040](#))
6. Is designed to maximize the retention of existing trees;
- ☐ Site does not contain trees at least 6-inches in diameter measured 4-½ feet above the ground.
 - ☒ Site does not contain Exceptional Trees as defined in Director's Rule [6-2001](#).
 - ☒ The short subdivision meets the applicable provisions of SMC [25.11](#).
 - ☐ A tree preservation plan is required.

SMC 23.24.060 Redivision procedure.

- ☒ Within a five (5) year period following the filing of a short subdivision in accordance with the provisions of Chapter [23.22](#), property within that short subdivision may not be further divided through the short subdivision process if it would result in more than a total of nine (9) lots. However, any revision of the lot lines of an approved short subdivision in which the total number of lots is not increased shall not be considered a further division, and shall be approved or disapproved in the manner prescribed in Chapter [23.28](#).

DECISION – SHORT PLAT:

CONDITIONALLY APPROVED

CONDITIONS – SHORT PLAT:

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. All existing structures shall be shown on the face of the plat, and their distances to the property lines dimensioned. Lot areas shall be shown on the plat. The short plat drawing shall be stamped by a licensed surveyor.
2. Add the conditions of approval to the face of the plat, or on an additional page if needed. If the conditions are on a separate page, insert on the plat:

“For conditions of approval after recording, see Page ____ of ____.” (If necessary, renumber the pages).
3. Outline on the face of the short plat: the legal descriptions for the existing and proposed lots; the location of the existing utility lines on the face of the plat; all ingress and egress and utilities easements.
4. Submit the final recording forms and fee.
5. The applicant shall provide documentation demonstrating that a building permit was issued for the structure on proposed Parcel Y to change the use from religious facility or to otherwise demonstrate that Parcel Y is no longer required to provide parking for the development on Parcel X.

After Recording and Prior to Issuance of a Building Permit on Parcel X

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of the recorded short plat to all building permit plan sets.
2. Submit a standard drainage control plan for DPD review.

Signature: (signature on file) Date: August 2, 2004
Bryan Stevens, Land Use Planner
Department of Planning and Development
Land Use Services